

Panaji, 11th April, 1986 (Chaitra 21, 1908)

SERIES II No. 2

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Order

No. 18/2/86/PER

Shri M. S. Sail, Grade I Officer of Goa, Daman and Diu Civil Service, presently functioning as Commissioner for Departmental Enquiries, shall hold the charge of the post of Secretary to the Goa, Daman and Diu Housing Board, Panaji, in addition to his own duties, until further orders.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (Per).

Panaji, 31st March, 1986.

Order

No. 5/48/84-PER

Consequent upon the promotion of Shri B. S. Subbanna, as Under Secretary (Law) vide Government Order No. 1-36-73-SA&C (Vol. I) dated 1-4-86, Shri G. G. Kambli, Grade II Officer of Goa, Daman and Diu Civil Service, presently posted as Under Secretary (Law) with additional charge of the post of Under Secretary (GA&C) vide Order No. 6/3/81-PER (Vol. III) dated the 8th November, 1985, is hereby posted as Under Secretary (GA&C), Secretariat with immediate effect.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 2nd April, 1986.

Directorate of Vigilance

Memorandum

No. 1/4/78-VIG (Part file)

Ref: Memorandum No. 1/4/78-VIG (Part file) dated 3-3-1986.

In the Memorandum No. 1/4/78-VIG (Part file) dated 3-3-1986 regarding nomination of Vigilance Officers, for the existing entry at S. No. 5, the following entry should be substituted:-

5. Shri S. S. Kantak Chief Officer, Sanguem Municipal Council.	Sanguem Municipal Council.
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S. D. Sadhale, Deputy Director (Vigilance).

Panaji, 27th March, 1986.

General Administration and Co-ordination Division

Order

No. 1-36-73-SA&C (Vol. I)

On the recommendation of the Departmental Promotion Committee, Shri B. S. Subbanna is hereby promoted to the post of Under Secretary (Law), Law Department (Establishment), Secretariat, in the pay scale of Rs. 840-40-1000-EB-40-1200 with effect from 3-10-76, and is also confirmed in the said post with effect from 3-10-78.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. G. Kambli, Under Secretary (GA).

Panaji, 1st April, 1986.

Order

No. 1-36-73-SA&C (Vol. I)

Shri P. V. Kadnekar, Legal Superintendent from the Law Department, Legal Branch Affairs is hereby promoted on adhoc basis to the post of Under Secretary (Drafting) in the pay scale of Rs. 840-40-1000-EB-40-1200 with immediate effect. His basic pay will be fixed as per the Rules.

The above appointment will not bestow on him any claim for regular appointment and the service rendered on adhoc basis in the grade will not count for the purpose of seniority in that grade and for eligibility for promotions/appointments to the next higher grade.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. G. Kambli, Under Secretary (GA).

Panaji, 1st April, 1986.

Home Department

General Branch/Division

Order

No. 18-7-83/HD(G)

Read: 1. Order No. 18-7-83/HD(G) dated 24-10-1983.
2. Order No. 18-7-83/HD(G) dated 5-12-1985.

The words "Brig Shubh Chadha or his nominee HQ 2 STC, Panaji" referred to in the above order may be substituted by the words "Commandant Headquarters 2 STC and Station Commander or his nominee, Panaji" and the words "Shri B. Nazareth, Major (Retd), Secretary, Goa, Daman and Diu, Rajya Sainik Board, Panaji" referred to in the above order may be substituted by the words "Secretary, Goa, Daman and Diu, Rajya Sainik Board".

By order and in the name of the Administrator of Goa, Daman and Diu.

K. N. S. Nair, Under Secretary (Home).

Panaji, 2nd April, 1986.

Education Department

Order

No. 12-13-83-EDN/2130

Read: Govt. order No. 12/13/83-WET-I dated 6-2-1984 regarding appointment of Shri R. V. Kolhatkar, as Professor in Architecture in College of Engineering, w.e.f. 25-1-84 by transfer on deputation.

Govt. is pleased to extend the period of deputation of Shri R. V. Kolhatkar, Professor in Architecture for further period upto 30-4-1986 i.e. from 25-1-86 to 30-4-86.

The terms and conditions will remain the same as stipulated upto 30-4-1986 i.e. from 25-1-86 to 30-4-86.

By order and in the name of the Administrator of Goa, Daman and Diu.

D. N. Accarwade, Under Secretary (Education).

Panaji, 3rd April, 1986.

Addendum

No. 182/2(1)/NCC/PES/DE/82/668

Read: Govt. Order No. 8/25/80/WET dated 9-9-1985.

Government is pleased to add "The Deputy Director General N.C.C., National Cadet Corps Directorate, Karnataka - Goa, 31/1 Aga Abbhas Ali Road, Bangalore, 560 042" as the member of the State Advisory Committee for N.C.C., for a period of three years from the date of its constitution.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. V. Kurade, Director of Education and Additional Secretary to Govt. of Goa, Daman and Diu (Ex-Officio).

Panaji, 24th March, 1986.

Forest and Agriculture Department

Order

No. 18/6/82/FOR

On recommendation of the Departmental Promotion Committee the Administrator of Goa, Daman and Diu is pleased to confirm Shri R. N. Naik against the post of Assistant Conservator of Forests Group 'B' in pay scale of Rs. 650-30-740-35-810-EB-35-880-40-1000-EB-42-1200 in the Forest Department with effect from 26-2-1986.

This issues with the approval of Union Public Service Commission vide their letter No. 12/13(13)85-AV-II dated 26-2-1986.

By order and in the name of the Administrator of Goa, Daman and Diu.

A. P. Panvelkar, Under Secretary (For & Agri).

Panaji, 2nd April, 1986.

Office of the Registrar of Co-operative Societies

Notification

In exercise of the powers vested in me under Section 9(1) of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu, the Shivsagar Apartments Coop. Housing Society Ltd., Vasco-da-Gama is registered under the code symbol No. HSG-(b)-179/Goa.

L. T. De Menezes, Dy. Registrar of Coop. Societies.

Panaji, 17th February, 1986.

Certificate of Registration

Shivsagar Apartments Coop. Housing Society Ltd., Vasco-da-Gama has been registered on 17/2/1986 and it bears registration No. HSG-(b)-179/Goa and it is classified as a "Housing Society" under Sub-Classification No. "5(b)-Tenant Co-partnership Housing Society" in terms of Rule 9 of the Coop. Societies Rules, 1962, for the Union Territory of Goa, Daman and Diu.

L. T. De Menezes, Dy. Registrar of Coop. Societies.

Panaji, 17th February, 1986.

Office of the Asstt. Registrar of Coop. Societies

No. 41-9-83/AR(Dairy)/NZ

Read: — 1. This office interim order No. 41-9-83/AR (Dairy)/NZ dated 2nd September, 1985, whereunder the society was called upon to submit the explanation, if any, as to why the society should not be wound up.

Order

In virtue of the powers vested in me under Section 102(1) of the Maharashtra Coop. Societies Act, 1960, as applied to the Union Territory of Goa, Daman and Diu, read with Rule 84, of the Coop. Societies Rules, 1962, Shree Bhagwati Sahakari Dudh Vya. Sanstha Ltd., Kamurli-Bardez was called upon to submit its explanation as to why the society be not taken into liquidation within one month from the date of issue of interim order cited above. However, no reply has been received from the society and I am satisfied that there is no objection to the society being taken into liquidation. Hence I, A. V. Chikkodi, Asstt. Registrar, Coop. Societies (Dairy), Ponda hereby confirm the aforesaid order in terms of section 102(2) of the aforesaid Act as applied to the Union Territory of Goa, Daman and Diu.

Further under Section 103(1) of the Maharashtra Coop. Societies Act, 1960, as applied to the Union Territory of Goa, Daman and Diu, read with Rule 86(1) of the Coop. Societies Rules 1962, I appoint Shri R. D. Morajkar, Jr. Auditor, Coop. Societies (Dairy), Ponda as liquidator of Shree Bhagwati Sahakari Dudh Vya. Sanstha Ltd., Kamurli-Bardez.

A. V. Chikkodi, Asstt. Registrar of Coop. Societies (Dairy).

Ponda, 23rd January, 1986.

No. 39-28-84/AR(Dairy)/SZ

Read: — 1. This office interim order No. 39-28-84/AR (Dairy)/SZ dated 4th November, 1985, whereunder the society was called upon to submit the explanation, if any, as to why the society should not be wound up.

Order

In virtue of the powers vested in me under Section 102(1) of the Maharashtra Coop. Societies Act, 1960, as applied to the Union Territory of Goa, Daman and Diu, read with Rule 84, of the Coop. Societies Rules, 1962, the Don Bosco Sahakari Dudh Vya. Saunstha Ltd., Sulcorna-Quepem was called upon to submit its explanation as to why the society be not taken into liquidation within one month from the date of issue of interim order cited above. However, no reply has been received from the society and I am satisfied that there is no objection to the society being taken into liquidation. Hence I, A. V. Chikkodi, Asstt. Registrar, Coop. Societies (Dairy), Ponda hereby confirm the aforesaid order in terms of Section 102(2) of the aforesaid Act as applied to the Union Territory of Goa, Daman and Diu.

Further under Section 103(1) of the Maharashtra Coop. Societies Act, 1960, as applied to the Union Territory of Goa, Daman and Diu, read with Rule 86(1) of the Coop. Societies Rules 1962, I appoint Shri V. P. Raiker, Jr. Inspector, Coop. Societies (Dairy), Ponda as liquidator of Don Bosco Sahakari Dudh Vya. Saunstha Ltd., Sulcorna-Quepem.

A. V. Chikkodi, Asstt. Registrar of Coop. Societies (Dairy).

Ponda, 18th February, 1986.

No. 9-61-86/ARSZ/LQD/1990/86

- Read: — (1) Audit Report of 1982-83 of Chowgule Costi Mines Staff Cons. Coop. Society Ltd., Costi Mines, Kalay Sanguem Goa.
- (2) Proceedings of Special General Body Meeting held on 10-2-1984.
- (3) This Office interim Order No. 9-25-80/ARCS/Cons/978 dated 27-1-1985.

In virtue of the powers vested in me under Section 102(1) of the Maharashtra Coop. Societies Act, 1960, as applied to the Union Territory of Goa, Daman and Diu. The Costi Mines Staff Cons. Coop. Society Ltd., Chowgule Costi Mines Kalay Sanguem Goa was called upon to submit its explanation if any within one month from the date of issue of interim Order cited above, since no reply has been received so far from the society, I am satisfied that there is no objection in regard to the society being into Liquidation. Hence I M. A. Desai, Asstt. Registrar of Coop. Societies, South Zone, Margao Goa hereby confirm the aforesaid order as applied to the Union Territory of Goa, Daman and Diu.

Further under Section 103(1) of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu, read with Rule 86(1) of the Cooperative Societies Rules 1962, I hereby appoint Shri Bonamis Fernando, Special Recovery Officer of Coop. Societies, South Zone, Margao as a Liquidator of Chowgule Costi Mines Staff Cons. Coop. Society Ltd., Costi Kalay.

M. A. Desai, Asstt. Registrar of Coop. Societies, South Zone.
Margao, 17th February, 1986.

No. 7-60-86/ARSZ-LQD/1958

- Read: — 1. Audit Report for the year 1984-85 of Canacona Bhag Machimar Sahakari Society Ltd., Canacona, Goa.
2. This office interim order No. 11-5-71/ARSZ/Fish/979 dated 27-12-1985.

Order

In virtue of the powers vested in me under Section 102(1) of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu, The Canacona Bhag Machimari Sahakari Society Ltd., Canacona, was called upon to submit its explanation if any within one month from the date of issue of interim order cited above, since no reply has been received so far from the society, I am satisfied that there is no objection in regard to the society being into liquidation. Hence, I, M. A. Desai, Assistant Registrar of Cooperative Societies South Zone, Margao-Goa hereby confirm the aforesaid order as applied to the Union Territory of Goa, Daman and Diu.

Further, under Section 103(1) of the Maharashtra Coop. Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu, read with Rule 86(1) of the Cooperative Societies Rules 1962, I hereby appoint Shri M. V. Naik, Junior Inspector, Cooperative Societies, South Zone, Margao as a liquidator of Canacona Bhag Machimari Sahakari Society Ltd., Canacona.

M. A. Desai, Asstt. Registrar of Coop. Societies, South Zone.
Margao, 14th February, 1986.

Notification

In exercise of the powers vested in me under Section 9(1) of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu, Shree Shantadurga Cooperative Consumers Society Ltd., Virdi, Sanquelim-Goa is registered under code symbol No. CON-12/NZ/Goa.

A. Y. Gore, Asstt. Registrar of Coop. Societies, North Zone.
Mapusa, 14th February, 1986.

Certificate of Registration

Shree Shantadurga Cooperative Consumers Society Ltd., Virdi, Sanquelim-Goa has been registered on 14th February, 1985 and it bears registration code symbol No. CON-12/NZ/Goa and it is classified as a "Consumers' Society" under Sub-Classification No. 2 in terms of Rule 9 of the Cooperative Societies Rules, 1962 for the Union Territory of Goa, Daman and Diu.

A. Y. Gore, Asstt. Registrar of Coop. Societies, North Zone.
Mapusa, 14th February, 1986.

Notification

In exercise of the powers vested in me under Section 9(1) of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu, The Damanganga Darsan Cooperative Housing Society Ltd., Nani Daman is registered under No. HSG-(a)-2/Daman.

H. I. Pathak Asstt. Registrar of Coop. Societies & Block Development Officer.

Daman, 20th January, 1986.

Certificate of Registration

The Damanganga Darsan Co-operative Housing society Ltd., Nani Daman has been registered on 20-1-1986 and it bears registration NO.HSG-(a)-2/Daman and it is classified as Housing society under sub-classification No.5(a)-Tenant ownership Housing society in terms of Rule 9 of the Co-operative societies Rule 1962 for the Union Territory of Goa, Daman and Diu.

H. I. Pathak, Asstt. Registrar of Coop. Societies and Block Development Officer, Daman.

Daman, 20th January, 1986.

Office of the Civil Administrator and Dy. Registrar of Cooperative Societies

Notification

In exercise of the powers vested in me under Section 9(1) of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu, Shri Diu Sagarputra Vikas Sahakari Mandli Ltd., Vanakbara, Diu is registered under Code Symbol No. GEN/9(c) 5/CAD/Diu.

Sd/- (M. S. Khan), Civil Administrator & Dy. Registrar of Coop. Societies.

Diu, 24th February, 1986.

Certificate of Registration

Shri Diu Sagarputra Vikas Sahakari Mandli Ltd., Vanakbara, Diu has been registered on 24-2-1986 and it bears registration Code Symbol No. GEN/9(c)5/CAD/Diu and it is classified as General Society under Sub-Classification No. 9(c) Fisheries Society in term of Rule 9 of the Cooperative Societies Rules, 1962 for the Union Territory of Goa, Daman and Diu.

Sd/- (M. S. Khan), Civil Administrator & Dy. Registrar of Coop. Societies.

Diu, 24th February, 1986.

Revenue Department

Notification

No. 22/12/85-RD

Whereas by Government Notification No. 22/12/85-RD dated 15-2-1985 published on page 126-127 of Series II, No. 8, of the Official Gazette dated 23-5-1985, it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the land specified in the schedule appended to the said notification (hereinafter

referred to as the "said land") was needed for public purpose viz. Land Acquisition for construction of School building at Vaghon-Cola in Canacona Taluka.

And whereas in the opinion of the appropriate Government (hereinafter referred to as the "Government") the said land is not required for the aforesaid purpose.

Now, therefore, the Government is pleased to declare under sub-section (1) of Section 48 of the said Act that it has withdrawn from acquisition of the said land for the aforesaid public purpose and that the aforesaid Government notification shall be deemed to be cancelled so far as it relates to the said land. The persons interested in the said land, may lodge to the Additional Dy. Collector (1-South) Margao within a period of thirty days from the date of this notification claims under sub-section (2) of Section 48 of the said Act, for the damages suffered by them in consequence of the notice or of any proceedings thereunder and for costs reasonably incurred by them in persecution of the proceedings under the said Act relating to the said land.

A plan of the land, shall be available for inspection in the office of the Additional Dy. Collector (1-South) Margao for a period of thirty days from the date of this notification.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 18th March, 1986.

Notification

No. 22/157/84-RD

Whereas by Government Notification No. 22/157/84-RD dated 25-7-1984 published on page 345-346 of Series II, No. 19, of the Official Gazette dated 9-8-1984, it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the land specified in the schedule appended to the said notification (hereinafter referred to as the "said land") was needed for public purpose viz. Land Acquisition for construction of Road near Sahrit Hotel starting from Francisco Luis Gomes Road and connecting to Martines Dias Road.

And whereas in the opinion of the appropriate Government (hereinafter referred to as the "Government") the said land is not required for the aforesaid purpose.

Now, therefore, the Government is pleased to declare under sub-section (1) of Section 48 of the said Act that it has withdrawn from acquisition of the said land for the aforesaid public purpose and that the aforesaid Government notification shall be deemed to be cancelled so far as it relates to the said land. The persons interested in the said land, may lodge to the Additional Dy. Collector (2-South) Margao within a period of thirty days from the date of this notification claims under sub-section (2) of Section 48 of the said Act, for the damages suffered by them in consequence of the notice or of any proceedings thereunder and for costs reasonably incurred by them in persecution of the proceedings under the said Act relating to the said land.

A plan of the land, shall be available for inspection in the office of the Additional Dy. Collector (2-South) Margao for a period of thirty days from the date of this notification.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 18th March, 1986.

Notification

No. 22/12/83-RD

Whereas by Government Notification No. 22/12/83-RD dated 21-4-1983 published on page 39 of Series II, No. 4 of the Extraordinary Official Gazette dated 3-5-83 it was notified under Section 6 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the land specified in the schedule appended to the said notification (hereinafter referred to as the "said land") was needed for public purpose viz. Land Acquisition for allotment of house sites to landless labourers at Mandrem, Pernem.

And whereas in the opinion of the appropriate Government (hereinafter referred to as the "Government") the said land is not required for the aforesaid purpose.

Now, therefore, the Government is pleased to declare under Sub-section (1) of section 48 of the said Act that it has withdrawn from acquisition of the said land for the aforesaid public purpose and that the aforesaid Government notification shall be deemed to be cancelled so far as it relates to the said land. The persons interested in the said land, may lodge to the Deputy Collector, Goa North Division, Panaji within a period of thirty days from the date of this notification claims under Sub-section (2) of section 48 of the said Act, for the damages suffered by them in consequence of the notice or of any proceedings thereunder and for costs reasonably incurred by them in persecution of the proceedings under the said Act relating to the said land.

A plan of the land, shall be available for inspection in the Office of the Deputy Collector, Goa North Division, Panaji for a period of thirty days from the date of this notification.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 1st April, 1986.

Notification

No. 22/72/86-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose, viz. Land Acquisition for bus Stand at Margao (addl. area).

And Whereas in the opinion of the Government the provisions of sub-section (1) of section 17 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act"), are applicable.

Now, therefore, the Government hereby notifies under sub-section (1) of section 4 of the said Act that the said land is likely to be needed for the purpose specified above.

The Government further directs under sub-section (4) of section 17 of the said Act that the provisions of section 5A of the said Act shall not apply in respect of the said land.

2. All persons interested in the said land are hereby warned not obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints under clause (c) of section 3 of the said Act, Additional Deputy Collector (1-South) Margao to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government also authorises, under sub-section (2) of section 4 of the said Act, the following officers to do the acts specified therein in respect of the said land.

1. The Collector of Goa, Panaji,
2. The Additional Deputy Collector (1-South) Margao.
3. The Director of Transport, Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Additional Deputy Collector (1-South) Margao for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE
(Description of the said land)

Taluka	Village/Ward	P. T. Sheet No.	Chalta No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6
Salcete	Margao	101	7/9	Comunidade of Margao. T: Filip Furtado.	1939.00
			7/10	Comunidade of Margao. T: Minguel Fernandes.	3900.00
			7/11	Comunidade of Margao. T: Rusario Fernandes.	2406.00
			7/12	Comunidade of Margao. Meriano Gonsalves.	2107.00
Boundaries:					
North: Chalta No. 7/8 of PTS 101.					
South: Chalta No. 20/1 to 5, 7 of PTS No. 109.					
East: Chalta No. 1 of PTS No. 100.					
West: Chalta No. 17 of PTS No. 72.					
Total					10352.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 7th April, 1986.

Notification
No. 22/47/86-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for extension of existing Fire Station Complex at St. Inez, Panaji.

Now, Therefore, the Government hereby notifies, under sub-section (1) of section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints, under clause (c) of section 3 of the said Act, the Additional Deputy Collector, H. Q. 1, Collectorate, Panaji to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government also authorise, under sub-section (2) of section 4 of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Additional Deputy Collector, H. Q. 1, Collectorate, Panaji.
3. The Chief Fire Officer, Directorate of Fire Services, Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Additional Deputy Collector, H. Q. 1, Collectorate, Panaji for a period of 30 days from the date of publication of this Notification in Official Gazette.

SCHEDULE
(Description of the said land)

Sr. No.	Taluka	Village/Ward	Survey No.	Sub. Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
1.	Tiswadi	Panaji	114	4 3	Francisco Xavier Valles. Francisco Xavier Valles.	105.00 18175.00
Boundaries:						
North: Chalta No. 7, PTS No. 100.						
South: Nala.						
East: Road.						
West: Chalta No. 3, PTS No. 100 & Nala.						
Total						18280.00

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 1st April, 1986.

Notification
No. 22/186/83-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose, viz. Land Acquisition for allotment of housesites under 20-Point Programme at Boma in Ponda Taluka (alternate site).

And whereas in the opinion of the Government the provisions of sub-section (1) of section 17 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act"), are applicable.

Now, therefore, the Government hereby notifies under sub-section (1) of section 4 of the said Act that the said land is likely to be needed for the purpose specified above.

The Government further directs under sub-section (4) of section 17 of the said Act that the provisions of section 5A of the said Act shall not apply in respect of the said land.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this

notification, will under clause (seventh) of section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under section 6 of the said Act will be published in the Official Gazette and if the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints under clause (c) of section 3 of the said Act, Additional Deputy Collector (1-North) Panaji to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government also authorises, under sub-section (2) of section 4 of the said Act, the following officers to do the acts specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Additional Dy. Collector (1-North) Panaji.
3. The Block Development Officer, Ponda Goa.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Additional Dy. Collector (1-North), Panaji for a period of 30 days from the date of publications of this Notification in the Official Gazette.

SCHEDULE
(Description of the said land)

Taluka	Village	Survey No.	Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6
Ponda	Boma	31	1 part	Comunidade of Boma. T: Naguesh R. Gaudo.	6000.00
Boundaries:					
North: S. No. 34/6, 7, S. No. 33/0.					
South: S. No. 31/1.					
East: S. No. 31/1.					
West: S. No. 31/1.					
Total					6000.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue):

Panaji, 1st April, 1986.

Office of the Collector of Goa

Order

No. 3/18/81-CAB(Bye-Laws)/127

The Lt. Governor of Goa, Daman and Diu under the powers vested in him by Art. 18 of the Devasthan Regulations is pleased to appoint the persons below mentioned on the Special Committee to frame the Bye-Laws of Devasthan, Shri Deuki Krishna Ravalnath (Gawandwada) Marcela, Ponda Goa.

Effective Members:

1. President: Shri Raghuvir Dattaram Kamat Satosker.
2. Treasurer: Shri Ramchandra Krishna Kamat Purohit.
3. Attorney: Shri Dattatraya Vishnu Satosker.
4. Secretary: Shri Padmaker Giridhar Kamat Satosker.

Substitute Members:

1. President: Shri Suresh Pandharinath Kamat Satosker.
2. Treasurer: Shri Satish Shripad Prabhu Dharwadker.

3. Attorney: Shri Keshav Vishwanath Kamat Malyenkar.

4. Secretary: Shri Pramod Ravalnath Kamat.

The above Committee shall re-submit the draft of the Bye-Laws to the Government within a period of six months from the date of publication of this order in the Government Gazette.

The procedure laid down in Art. 17 and 18 of the Devasthan Regulations as amended by the Legislative Diploma No. 1899 dated 29-5-1959 and Government directives contained in Revenue Department letter No. RD/END/116/71 dated 27-7-1971 are to be followed while framing the bye-laws.

The above Committee is also entrusted with the Management of the said Devalaya until the Bye-Laws are approved by Government and published.

S. Sinha, Collector and Director of Civil Administration.

Panaji, 20th March, 1986.

Public Health Department

Order

No. 5/5/86-PHD

Read: Memorandum No. 5/5/86-PHD dated 31st March, 1986.

On the recommendation of the Union Public Service Commission the Administrator of Goa, Daman and Diu is pleased to appoint Dr. Damodar S. Kukalekar to the post of Community Psychiatrist, in the Institute of Psychiatry and Human Behaviour, Altinho, Panaji, in the pay scale of Rs. 1100-50-1500-EB-60-1800 plus special pay of Rs. 100/- per month with effect from the date of his taking over the charge of the post and until further orders.

2. His appointment is subject to the terms and conditions mentioned in the Memorandum referred to above.

3. Dr. Kukalekar has been declared medically fit by the duly constituted Medical Board at the time of his earlier appointment to the post of Assistant Medical Officer, in the Institute of Psychiatry & Human Behaviour, Panaji.

4. The appointment is made against the post of Community Psychiatrist created vide Order No. 1/20/80-PHD dated 24-2-81.

By order and in the name of the Administrator of Goa, Daman and Diu.

L. J. Menezes Pais, Under Secretary (Health).

Panaji, 4th April, 1986.

Order

No. PHD/1(49)/77/ESTT.

The following Medical Officers/Rural Medical Officers/Jr. School Health Officers under the Directorate of Health Services, Panaji have satisfactorily completed their probation period of two years on 23-1-85.

1. Dr. S. Ramaswamy.
2. Dr. Shivram J. Lotlikar.
3. Dr. Filandro Dias.
4. Dr. K. N. Dabale.
5. Dr. Gonapati Kakodkar.
6. Dr. L. Lawande.
7. Dr. Albert Souza.
8. Dr. Ratnakant Lad.
9. Dr. Suhas Gaitonde.
10. Dr. Pradeep Korgaonkar.
11. Dr. Gajanan Hegde.
12. Dr. R. Sawardekar.
13. Dr. P. N. Raikar.
14. Dr. Anil S. Kakodkar.
15. Dr. Sachin Govekar.
16. Dr. Maria Odette Costa.
17. Dr. Antonio Colaco.
18. Dr. Ashok Paes.
19. Dr. Nishit Kumar Naik.

By order and in the name of the Administrator of Goa, Daman and Diu.

L. J. Menezes Pais, Under Secretary (Health).

Panaji, 1st April, 1986.

Notification

No. 45/5/85-PHD

In exercise of the powers conferred by sub-section (2) of section 53 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Central Act 61 of 1985) read with the Government of India, Ministry of Home Affairs Notification No. S.O. 818 E dated 8-11-1985, the Administrator of Goa, Daman and Diu hereby invests the below mentioned officers with the powers of an officer-in-charge of a Police station for the investigation of offences under this Act.

- (1) Assistant Drugs Controllers and Drugs Inspectors in the Office of the Drugs Controller, appointed under the Drugs and Cosmetics Act, 1940 (Central Act 23

of 1940) in the Union territory of Goa, Daman and Diu.

- (2) Mamlatdars of the Revenue Department of the Union territory of Goa, Daman and Diu.
- (3) Excise Inspectors in the Excise Department of Government of Goa, Daman and Diu.

By order and in the name of the Administrator of Goa, Daman and Diu.

L. J. Menezes Pais, Under Secretary (Health).

Panaji, 1st April, 1986.

Industries and Labour Department

Order

No. 28/6/86-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Dispute Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 13th March, 1986.

IN THE LABOUR COURT GOA, DAMAN & DIU,
PANAJI GOA

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Application No.: LCC/28/82.

Shri Datta L. Naik — Applicant
V/s.

1. Shri Pandurang Datta Kamat Timblo, — Opponent
Mg. Partner

2. M/s. Pandurang Timblo Industries.

Applicant represented by Shri K. V. Nadkarni, Labour Consultant.

Opponent represented by Shri R. V. Gaitonde, Labour Consultant.

Panaji, Dated: 3-3-1986

AWARD

This is an application under Section 33C(2) of the I.D.A., 1947, in short the Act, filed by the above applicant against the above Opponent, claiming from the latter various monetary benefits as specified in the Award dated 30-5-1980 in the reference No. IT/12/77 and published in the Gazette No. 31 Series II dated 30-10-1980. A copy of this Award has been filed by the applicant alongwith his application.

2. It is applicant's case, that he was working at the Head Office of the employer company in Margao from the date of his appointment till the date of his transfer, 21-4-1976, on which date he was transferred to Curchorem office due to his trade Union activities. This transfer was challenged by the applicant before the Labour Department, which gave rise to an industrial dispute referred by the Government for adjudication of this Tribunal. By award dated 30-5-1980 referred to above, the dispute was disposed off by this Tribunal, setting aside the transfer order on the sole ground that it was malafide. The Employer Opponent has not implemented the award inspite of the various reminders sent by the applicant. The employer has filed a writ before the High Court but did not get any stay order. In the schedule annexed to the application, the applicant has claimed the total amount of Rs. 93,472/- under four heads plus Rs. 200/-, as costs.

3. The Opponent filed its written statement, and the applicant his rejoinder, following which, issues were framed. The issues framed read as follows:

"1. Whether the applicant proves that he is entitled to the amounts claimed?

2. Whether the Opponent proves that the Award in question is not enforceable till the Writ Petition filed by him in the Judicial Commissioner's Court is decided?

3. Whether the Opponent proves that the application filed by the applicant U/S. 33C(2) is not maintainable and that he should have filed his application u/s. 33C(1) of the Act?

4. Whether the Opponent proves that the settlements dated 3-10-78 and 1-10-81 do not cover the applicant?"

4. Issues Nos. 2 and 3 above were dropped by the Opponent who had to prove the same. When evidence was being led by the parties on the remaining issues, the writ filed by the Opponent before the High Court was decided and so the Opponent was directed to file a certified copy of the High Court Judgment dated 14-6-1984, disposing off the said writ. In compliance with this direction, the Opponent filed a true copy of the said judgment which was received in this Tribunal on 6-12-1985.

5. The said Judgment after going through the evidence on record has arrived at the conclusion that, in the absence of any evidence, the finding of malafides or victimization arrived at by the Industrial Tribunal was not at all justified and, regarding the legality of transfer, it was held that it was inherent right of the employer to transfer an employee, unless the letter of appointment said otherwise. On these grounds, the order of the Industrial Tribunal was set aside.

6. Since, by virtue of the above ruling of the High Court, the transfer of the applicant has been held as legal, the applicant's claim based on the Award of the Industrial Tribunal dated 30-5-1980 referred to above cannot subsist. Regarding the other claims, they are based on the settlements dated 3-10-1978 (Exh A-2) and September 1981 (Exh A-3), the applicability of which, to the applicant workman is disputed between the parties.

7. It is well settled that the proceedings under Section 33C(2) are in the nature of execution proceeding and they should be based on an existing right. In the instant case, the existence of applicant's right is disputed by the Opponent and it could be adequately dealt with by the Industrial Tribunal in a reference to it by Section 10 of the Act and not in an application under Section 33C(2) of the Act made to the Labour Court.

8. In view of the above, I pass the following order:

ORDER

The claim of the applicant based on the award of the Industrial Tribunal dated 30-5-1980, is hereby dismissed. Regarding the other claims, based on the settlements dated 3-10-78 and September 1981 (Exh A-2 and A-3 respectively), this court has no jurisdiction to deal with them for the reason above mentioned. The applicant should get a reference from the Government to the Industrial Tribunal for such purpose. In the circumstances of the case, I leave each party to bear its own costs.

Dr. Renato de Noronha
Presiding Officer
Labour Court

Order

No. 28/6/86-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 5th February, 1986.

IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN AND DIU, PANAJI GOA

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Reference No.: IT/14/76

Shri Pio Albano Noronha — Workman/Party I
V/s.

M/s. Joseph C. Valles — Employer/Party II
Employer/Party II represented by Adv. P. J. Kamat.

Panaji. Dated: 20-1-1986

A W A R D

The Government of Goa, Daman and Diu, by its Order No. IRM/CON/(133)/75/IT-4/76/1092 dated 16th July, 1976, has referred for the adjudication of this Tribunal an industrial dispute between the above parties. The schedule annexed to the Order of reference reads as follows:

"Whether the action of the management of M/s. Joseph C. Valles, 13 Junta House, Panaji (Goa), in terminating the services of Shri Pio Albano Noronha, with effect from 16-6-1973 is legal and justified;

If not, to what relief the said workman is entitled ?"

2. In the statement of claim filed by the Union on behalf of the workman, it is stated that Party I was working with the employer Party II as Field Officer with regard to sales and his services were terminated w.e.f. 16-6-1973 by publishing a notice in the Navhind Times. In their letter dated 3-10-1973, the employer admitted that the workman was working for him as field Officer and contended that his conduct was unbecoming of an employee, which compelled them to terminate his services. Thereafter, a dispute was raised by the Union before the Labour Commissioner in which conciliation proceedings took place and resulted in failure. Hence, this reference. It is contended that the termination of the services should be bonafide and, in the instant case, there is nothing in the order of termination to show that the order was issued in the bonafide exercise of powers conferred on the employer under the contract of service. On the contrary, under the garb of discharge simplicitor, the employer has acted mala-fide, the termination being violative and punitive and having being carried out without an inquiry. It is prayed that it be set aside and the workman be reinstated with continuity and full back wages.

3. The employer Party II, in its written statement, has raised some preliminary objections in respect of the maintainability of the reference and jurisdiction of this Tribunal to entertain it and, on the merits, contended that Party I was working as Area Sales Manager-cum-Field Officer and doing supervisory duties. He was also drawing a salary of more than Rs. 500/- per month. His services were not terminated, but it is party I who abandoned them voluntarily w.e.f. 8-5-1972. The employer only gave a notice to the public in the Navhind Times that Party I is no more in his service, after sending a telegram on 16-6-1973 to Party I, which was returned back by the postal authorities after 5 days.

4. In his rejoinder, Party I has denied that he has abandoned the services of the employer and reiterated that his services were terminated by the employer.

5. Date was fixed for evidence and it was agreed that both the parties would file their affidavits and then cross examine each other. Accordingly, Party I filed his affidavit dated 12-7-1978, but the employer failed to file any, inspite of the opportunity given to him.

6. At the time of evidence, Party I was cross examined on the affidavit filed and also led the evidence of Shri K. Chandra and Shri Motilal Panchal. The employer's rep. examined the employer Shri Joseph Valles. After arguments of both the parties were heard, order was passed by my Ld. Predecessor Dr. Coelho, on 29-2-1980 postponing the decision on the preliminary issues and stating that such a decision would be given at the time of deciding the case on merits. Then, issues on merits were framed on 5-6-1980, which read as follows:

"1. Does the Workman/Party I prove that his services has been illegally terminated by the Employer/Party II?

2. Does the Employer/Party II prove that the Workman/Party I has abandoned voluntarily his services with effect from 8-5-1973?

3. Does the Workman/Party I prove to what relief he is entitled to?

The parties may lead further evidence on the preliminary issues framed on 25-4-1977."

7. When the case was fixed for evidence, the Ld. Rep. of the employer moved an application for review of the order passed by the Tribunal on 29-2-1980. Heard the other Party, the application was dismissed by my order dated 28-7-1983. After this, the employer's rep. led the evidence of the employer, Shri Joseph Valles, who produced various exhibits and closed his evidence. The workman led his own evidence and closed his case. Both the parties filed their arguments in writing.

8. Let us see first whether the preliminary issue as to whether Party No. I is or not a 'Workman' within the meaning of Section 2(s) of the I.D.A., 1947 in short the Act, has been proved.

9. Since the employer in his written statement had taken the stand that party I was not a "Workman" within the meaning of Section 2(s) of the Act, as he was working as a Field Officer-cum-Sales Manager, drawing wages exceeding Rs. 500/- per month and by virtue of his working in a managerial capacity, would not come within the purview of Section 2(s) of the Act, the onus of proving the said facts which come within the exception of (iii) and (iv) to Section 2(s) of the Act, would be on the employer.

It is an admitted fact that Party I was working as Field Officer-cum-Sales Manager and drawing wages of Rs. 550/- per month at the time of termination of his services. The designation of the post by itself would not prove that he was holding managerial functions. For this purpose, we will have to see that he was actually doing, i.e. the real nature of his duties. The workman, in his affidavit dated 12-12-1978, has denied that he was employed in a supervisory capacity and has stated that a substantial part of his work was of a clerical nature including manual labour such as driving the vehicle, loading and unloading the cases from the vehicle, packing and delivering the goods to different customers. When he was cross examined on this affidavit, he has stated that he was employed as a Salesman. As a Field Officer pertaining to sales, he used to book orders, open various cases of material, sort the cases out, help in the loading and unloading, make the bills, collect the money, drive the vehicle and give the accounts for the money collected. He used to report to the employer, either at his house or at his office in Junta House. Although there were about 8 employees in all including him and the peon, nobody was under Party I, except the peon. He was the highest paid employee in the establishment. He has denied that his duties consisted of taking all steps for promoting sales on behalf of the employer and that he used to look after the stock position and supply to the various customers and take decision on this matter. There was one salesgirl in the retail section. The whole sale business consisted of macaroni, jam and other provisions. There was also furniture business. The employer used to publish a magazine also. The crates of furniture were opened by the witness assembled and duly listed. He used to collect orders, sometimes on phone and sometimes by personal visit. He has denied that he used to function only in a managerial capacity issuing instructions and directions to other employees.

10. Shri K. Chandra and Shri Motilal Panchal are the 2 witnesses examined by the workman in support of his case.

Shri Chandra is a coolie by profession and has stated that, at the time of loading and unloading, the workman used to call him for work as the witness used to stand near the Junta House and also work in the loading and unloading for others. His wages were paid by the cashier in charge. There is a godown of Gadge and Company nearby, where he used to load and unload for them also.

11. Shri Panchal has stated that he was working for Party II for about 2 years. The first Party also was working for the employer. The work of the first party was general, i.e. he used to attend to the delivery, driving etc. *There was nobody working under the first party. The first party was not giving any orders or directions to the witness or to other staff. The witness used to work under the control of the second party.*

In his cross: He has stated that he worked for the second party from May 1968 to February 1970 and after that, he has been working for Kashinath Damodar Naik of Margao. The first party was already working for the second party when the witness joined the second party. His salary was Rs. 275/-

plus Dearness Allowance and Daily allowance varying from Rs. 3/- to Rs. 7/-. His designation was of a Salesman. He used to work as a Sales representative by seeing the parties and canvassing the products of the second party, booking the orders and seeing about the supply being made and bills cashed; he was alone the sales representative of Party II at that time; he was not booking orders for furniture supply but only used to deliver the furniture on orders booked by someone. With regard to food supply, he used to get first the order and then arrange to supply the products. He used to be out of Panaji on an average of 10-15 days per month. The second party used to be out of Goa for business for 2 to 3 days each time. It is not true that during his absence from Goa, the first party used to give instructions to the witness about the business. He has stated that he cannot say precisely what the first party used to do in the second party's shop.

In his re-examination, he has stated that he believes that he was the sole sales representative.

12. Party II in his statement before the Court, has stated that, Party I used to work in the establishment as a General Sales Manager, getting a salary of Rs. 550/- per month plus allowances. As General Sales Manager, he was in charge of the office and sales and supervising the entire staff which consisted of 6 other employees at that time. He had discretion in placing orders with the principals and directing the sales when the goods arrived. There were a couple of salesmen who were responsible to the first party. The first party used to charter out the tour programmes of the 2 salesmen. He has produced Exh M-2 to M-5 in which are four communications from their principals.

In his cross: He has stated that the first party joined in 1962 and at that time his pay and allowances were Rs. 300/- or little more. Party II's secretary was appointed for the first time in 1966 and her pay was Rs. 350/- per month plus allowances. Between 62 and 66 the first party was the only employee. In those days the second party was doing only while sale business. Goods were taken to the customers in the employer's car driven by the first party or by the employer himself. The first party was looking after the delivery to the customers. Later they had 3 more salesmen for a period of 3-4 years before 1973. T. Cardozo, Panchal and Naik were the 3 salesmen. For 2-3 years before 1973, the first party was supervising over everything in the concern. He used to have the boxes open whenever necessary with the assistance of the salesmen. Mostly the boxes were being delivered entirely to the customers. He has denied the suggestion that at the time of termination of his services, the first party was only driving the van and delivering the goods. Further he has denied that there were no staff members working under him. In his statement dated 9-1-1975, the employer has stated that the first party was authorised to act on his behalf, in his absence, inside and outside Goa. He has produced Exh M-6 colly. to show that Party I has represented him before K. M. Gandhi of Gallery Chemould. He was also authorised to receive money from the clients for the sales effected.

In his cross dated 26-3-1985: He has stated that he does not remember whether any written authority was given to the workman to act in his behalf but oral authority was there. He does not have any correspondence dictated by the first party and signed by the latter, as the employer himself used to handle all the correspondence with the help of his secretary. To the question as to whether there is any order written and signed by him to the principal, he replied that there was no need of such letter as they worked in close co-operation with each other.

This is all the evidence on record.

13. Let us see first whether the above evidence proves that Party I is a 'workman' within the meaning of Section 2(s) of the Act.

Since this objection was raised by the Employer Party II in their written statement, it was for him to prove that Party I does not come within the definition of Section 2(s), but fell within the purview of the exception in the said section. It is an admitted fact that, at the time of termination of the services, party I was drawing Rs. 550/- per month. But was he holding any managerial or supervisory functions, as contended by the Party II in para 3(c) of its written statement? Party I admitted that the designation of his post was Field Officer-cum-Sales Manager, but, according to him, the duties performed by him were of a clerk and not of a Manager.

It is well settled today that the designation of the post by itself is not sufficient to prove whether the person holding

the post is a workman or not. It is necessary to look into the nature of the duties performed by the workman in order to see whether he comes within the definition of 'Workman' given under Section 2(s) of the Act. Although Party I was the highest paid employee in the establishment of Party II, there is nothing to show that any of the employees of the employer worked under him or under his direction or that Party I dictated and signed any correspondence on behalf of Party II. It appears that whenever Party I was sent to places outside Goa, he used to act as per the instructions of the employer and not within his own discretion. Since there was no liberty for him to take decisions, one cannot say that he was acting in a managerial capacity. All correspondence filed as Exhibits also shows, that the parties with whom Party I was dealing, used to bring to the notice of Party II the business transaction, involved which further would prove that Party I was acting under the instructions of Party II.

14. From all that has been stated above, I hold that Party I is a 'Workman' falling within the definition of Section 2(s) of the Act and not within the exceptions mentioned therein.

15. Let us see now whether the termination of the services of the workman is legal and justified?

The contention of the employer that it is the workman himself who abandoned the services and not the employer who has terminated them, cannot be looked into by the Tribunal, as the order of reference in clear terms refers to the termination and not abandonment and the Tribunal cannot go beyond the terms of reference as it has been laid down by the ruling of the High Court of Judicature, Bombay-Panaji Bench, in the case of Sitaram Vishnu Shirodkar V/s. The Administrator, Goa, Daman and Diu and others, reported in I LLJ 1985 page 480.

Party II in its written statement has admitted that notice was published by him in the newspaper regarding the termination of services of Party I, although contending that it was only to bring to the notice of the public that Party I was out of his services. Since no misconduct on the part of Party I has been proved by Party II, the termination of his services would amount to retrenchment and so the employer had to comply with the mandatory provisions of Section 25F of the Act, which, admittedly, were not complied with in this case. In the absence of such compliance, the termination order passed under Section 25F of the Act is invalid and inoperative.

16. In view of the above and without further consideration, which are not required, I pass the following order:

ORDER

The termination of the services of Party I is invalid and inoperative. Hence, he is deemed to be in continuous services of the employer and entitled to reinstatement with continuity of services and full back wages, which I hereby direct. The employer, while making the payment of back wages, should take into consideration Exh M-11 colly., and pay only the difference. Costs of Rs. 300/- to be paid by the employer to the workman.

Dr. Renato de Noronha
Presiding Officer
Industrial Tribunal

Order

No. 28/4/86-ILD

Whereas the Lieutenant Governor of Goa, Daman and Diu is of the opinion that an industrial dispute exists between the management of M/s. Sound Electronics, Arpora, Bardez-Goa, and their workman, Shri R. L. Carrasco, Accounts Clerk-cum-Typist, represented by Goa Trade & Commercial Workers' Union, Opposite Municipal Garden, Panaji-Goa, in respect of the matter specified in the Schedule annexed hereto (herein after referred to as the 'said dispute');

And whereas the Lieutenant Governor of Goa, Daman and Diu considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Lieutenant Governor of Goa, Daman and Diu hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu at Panaji-Goa, constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of Shri August Braganza, Proprietor of M/s. Sound Electronics, Arpora, Bardez-Goa, in terminating the services of Shri R. L. Carrasco, Accounts Clerk-cum-Typist with effect from 30-4-1984 is legal and justified?"

If not, to what relief the workman is entitled to?"

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 25th March, 1986.

Notification

No. 25/2/80-ILD (PF)

Government of Goa, Daman and Diu is hereby pleased to reconstitute the State Labour Board for the Union Territory of Goa, Daman and Diu consisting of the following members, with immediate effect, as follows:

Composition of State Labour Advisory Board:

Minister for Labour, Government of Goa, Daman and Diu — Chairman.

Government Nominees:

1. Secretary, Industries and Labour, Government of Goa, Daman and Diu, Panaji — Member.
2. Collector/District Magistrate, Government of Goa, Daman and Diu, Panaji — Member.
3. Director, Municipal Administration, Government of Goa, Daman and Diu, Panaji — Member.
4. Chief Engineer, P.W.D. Government of Goa, Daman and Diu, Panaji — Member.
5. Joint Director, Mines Safety, Margao-Goa — Member.
6. Chairman, Mormugao Port Trust, Vasco-da-Gama, Goa — Member.
7. Inspector General of Police, Goa, Daman and Diu — Member.
8. Shri V. P. Gaonkar, M.L.A. — Member.
9. Shri Subhash Shirodkar, M.L.A. — Member.
10. Commissioner, Labour and Employment, Government of Goa, Daman and Diu, Panaji — Member Secretary.

Employers' Representative:

1. General Manager, Goa Shipyard Ltd., Vasco-da-Gama — Member.
2. President, Goa Mineral Ore Exporters Association Panaji — Member.
3. President, Goa Mining Association, Panaji — Member.
4. President, Goa Chamber of Commerce and Industry, Panaji — Member.
5. Chairman, Industrial Development Corporation, Panaji — Member.

Employees' Representatives:

1. Shri Satish Pednekar, Representing Indian National Trade Union Congress, Goa Branch, Vasco — Member.
2. Dr. Luiza Pereira, representing Centre of Indian Trade Union, Goa Branch, Vasco-da-Gama — Member.
3. Shri S. R. Kulkarni, representing Hind Mazdoor Sangh, Goa Branch, Margao-Goa — Member.
4. Shri George Vaz, representing, All India Trade Union Congress, Goa Branch, Margao-Goa — Member.
5. Shri Shivram Ajgaonkar, Representing of workmen in Municipalities — Member.

Special Invitees:

In addition to the above members, the Member Secretary in consultation with the Chairman may invite person/office bearers of Organisation of Employers or Workmen and also officers of Government, whose presence would be necessary and conducive for discussions and settlement of outstanding problems. Such special invitees can fully participate in the proceedings but shall have no right to vote. Similarly the nominees of any official or non-official members shall have no right to vote.

The Head Quarters of the Board shall be at Panaji, Non-Official Members of the Board shall be eligible to draw Travelling Allowance etc. at the rates admissible to Grade I officers and regulated by S. R. 190.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 20th March, 1986.

Finance Department

Expenditure, Revenue and Control Branch

Notification

No. 14/17/84-Fin(R&C)

Read:— Government Order No. 3/13/85-PER(Part file) dated 13-2-1986.

In exercise of the powers conferred by sub-section (1) of Section 2A of the Goa, Daman and Diu Entertainment Tax Act, 1964 (2 of 1964) the Government of Goa, Daman and Diu appoints Shri G. K. Dikshit, IAS, (Select List), as Commissioner of Entertainment Tax for carrying out the purposes of the said Act with effect from 13-2-1986 (A.N.) until further orders.

By order and in the name of the Administrator of Goa, Daman and Diu.

K. M. Nambiar, Under Secretary (Finance Exp.).

Panaji, 27th March, 1986.

Order

No. 2-11-77/Fin(Exp)

The Administrator of Goa, Daman and Diu is pleased to accept the notice given by Shri I. L. F. Menezes, Accounts Officer seeking voluntary retirement w.e.f. 1-6-1986 (A.N.) in terms of Rule 48 A of the C.C.S. Pension Rules. Shri Menezes, therefore, stands retired from Government service w.e.f. 1-6-1986 (A.N.).

The amount outstanding as balance of the principal and interest in respect of the house-building advance sanctioned to him shall be recovered from his gratuity and other dues admissible to him before his retirement.

By order and in the name of the Administrator of Goa, Daman and Diu.

K. M. Nambiar, Under Secretary (Finance Exp.).

Panaji, 2nd April, 1986.

Notification

No. 14/17/84-Fin(R&C)

In exercise of the powers conferred by sub-section (2) of Section 2A of the Goa, Daman and Diu Entertainment Tax Act, 1964 (2 of 1964) the Government of Goa, Daman and Diu appoints Shri R. N. P. R. Sardesai, Grade II Officer of the Goa, Daman and Diu Civil Service, as Assistant Commissioner of Entertainment Tax for carrying out the purposes of the said Act with effect from the date of publication of this notification in the Official Gazette until further orders.

By order and in the name of the Administrator of Goa, Daman and Diu.

K. M. Nambiar, Under Secretary (Finance Exp.).

Panaji, 27th March, 1986.

Notification

No. 5/2/85-Fin(R&C)

In exercise of the powers conferred by section 10A of the Goa, Daman and Diu Sales Tax Act, 1964 (4 of 1964), the Government of Goa, Daman and Diu being satisfied that it is necessary to do so in the public interest, hereby exempts the sales of wines indicated in the Schedule below effected to the Corps of Signals, 2 Signal Training Centre, Panaji, by M/s. Vinicola Pvt. Ltd., Margao, on the occasion of celebration of 75th anniversary Diamond Jubilee from the payment of sales tax to the extent of 50% leviable thereon:—

Provided that the dealer M/s. Vinicola Pvt. Ltd., Margao, claiming exemption under this Notification furnishes to the Appropriate Assessing Authority a declaration in the form appended to this Notification and issued by the person in charge of Corps of Signals, 2 Signal Training Centre, Panaji.

SCHEDULE

Sr. No.	Name of item	Quantity	Sale price per case	Total sale price
1.	Port wine No. 7	250	@120-00	Rs. 4,500-00
2.	Port wine Vinicola	250	@129-00	Rs. 4,837-50
3.	Red wine	450	@119-00	Rs. 8,032-50
4.	White wine	250	@119-00	Rs. 4,462-50
		1200		Rs. 21,832-50

DECLARATION

"Declaration by the person in charge of Corps of Signals, 2 Signal Training Centre, Panaji

I, ... (name) ... (state designation or status) do hereby certify that the wine(s) sold by ... (name of the dealer) holder of Registration Certificate No. ... under the Goa, Daman and Diu Sales Tax Act, 1964, as per his cash memo/bill No. ... dated ... for Rs. ... are purchased by Corps of Signals, 2 Signal Training Centre, Panaji, on the occasion of celebration of 75th anniversary Diamond Jubilee.

Place:

Signature:

Date:

Status:

By order and in the name of the Administrator of Goa, Daman and Diu.

K. M. Nambiar, Under Secretary (Finance Exp.).

Panaji, 24th March, 1986.

Law Department

Establishment Branch

District and Sessions Court

Order

No. DSC/JO/L/159/86/1292

Shri R. K. Batta, Addl. Sessions Judge & Civil Judge Senior Division, Mapusa, is granted Leave for 14 days w.e.f. 29-3-86 to 11-4-86 with permission to prefix 28-3-86 being public holiday and suffixed 12-4-86 & 13-4-86 being second Saturday and Sunday respectively. The nature of leave will be specified later.

Certified that but for proceeding on leave he would have officiated as Addl. Sessions and Civil Judge Senior Division.

On expiry of leave granted, he is likely to be reposted in the same post and at the same station from where he is proceeding on leave.

During his absence on leave Shri V. P. Shetye, Civil Judge Senior Division, Panaji is kept in charge of the post of Civil Judge Senior Division, Mapusa. Urgent Sessions Cases/matters pending on the file of Shri R. K. Batta, shall be placed before the Sessions Judge, Panaji.

During Shri Batta's absence on leave, Civil Judge Junior Division, and J.M.F.C., Mapusa, is hereby appointed as Head of Office and Drawing and Disbursing Officer under the delegation of Financial Power Rules, 1978, for Mapusa Courts.

Alvaro de Noronha Ferreira, District & Sessions Judge.

Panaji, 27th March, 1986.

Order

No. DSC/JO/L/159/86/1448

Shri V. A. Gaonkar, Civil Judge Senior Division and Judicial Magistrate First Class, Bicholim, is granted leave for 5 days with effect from 7-4-86 to 11-4-86 with permission to prefix 6-4-86 being Sunday and suffixed 12-4-86 & 13-4-86

being Second Saturday and Sunday respectively. The nature of leave will be specified later.

Certified that but for proceeding on leave he would have officiated as Civil Judge Senior Division and Judicial Magistrate First Class.

On expiry of leave granted, he is likely to be reposted in the same post and at the same station from where he is proceeding on leave.

During the absence on leave of Shri Gaonkar, Shri V. P. Shetye, Civil Judge Sr. Div. & Chief J. M. Panaji shall look after urgent Special Civil Suits and Shri A. D. Salkar, Civil Judge Junior Division and J. M. F. C. Mapusa shall look after urgent Regular Civil Suits and Criminal Matters.

Alvaro de Noronha Ferreira, District and Sessions Judge.
Panaji, 4th April, 1986.